

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

DONALD FREEMAN,	)	
	)	
Plaintiff,	)	
	)	Civil Action
	)	
vs.	)	File No. 3:08 CV 104
	)	
TERRY RAY MITCHELL, et al.,	)	
	)	
Defendants.	)	

**JOINT MOTION TO REMAND**

COMES NOW Plaintiff and Defendants, by and through their respective counsel and file this their Joint Motion To Remand. In support thereof, Plaintiff and Defendants shows this Court as follows:

1.

On January 17, 2008, Plaintiff filed this civil action against Defendants Terry Ray Mitchell and Janice Mitchell, d/b/a Mitchell Enterprise, who were both Georgia residents on that date. Plaintiff Donald Freeman was also a resident of the State of Georgia on that date. The case was filed in the Circuit Court of Russell County, State of Alabama, Civil Action File No. CV-08-024.

2.

On February 11, 2008, Defendants filed their Notice of Removal pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441.

3.

Defendants now concede that there was no diversity of citizenship on January 17, 2008 in this case that would give jurisdiction to this Federal Court pursuant to 28 U.S.C. § 1332, and concede that this case should be remanded back to the Circuit Court of Russell County Alabama.

4.

In exchange for Defendants' concession, Plaintiff agrees to forego seeking payment of costs pursuant to 28 U.S.C. § 1447(c).

WHEREFORE, Plaintiff and Defendants respectfully requests that this Court grant their Joint Motion to Remand this case back to the Circuit Court of Russell County Alabama.

This 2<sup>nd</sup> day of April, 2008.

Respectfully submitted,

/s/ Stephen J. Hodges  
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/s/ James M. Strong  
James M. Strong.  
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**CERTIFICATE OF SERVICE**

This is to certify that I have this date served the foregoing Joint Motion to Remand by electronic filing and/or by depositing a copy in the United States Mail, with adequate postage affixed, and addressed as follows:

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This 2<sup>nd</sup> day of April, 2008.

/s/ Stephen J. Hodges  
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